IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

Crl.Rev.Pet.No. 776 of 1998()

CRA.138/1996 of ADDL.SESSIONS COURT, THODUPUZHA
CC.251/1993 of JUDL. MAGI. OF FIRST CLASS-I (FOREST OFFENCES), THODUPUZHA

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REVN. PETITIONER:

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1. BIJU, S/O. KUNCHILON,
NELLIKUNNEL HOUSE,
NJAYAPPILLY BHAGOM,
KUTTAMPUZHA VILLAGE,
DEVICULAM TALUK

2. BABY, S/O. MOOLAN,
NJAYAPPILLY BHAGOM,
KUTTAMPUZHA VILLAGE,
DEVICULAM TALUK

BY ADV. SRI. K.J. JOSEMON

RESPONDENTS:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 09/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 776 OF 1998

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Dated this the 9th day of February 2007

O R D E R

The revision petitioners are the accused in C.C. No. 251/1993 in the file of Judicial First Class Magistrate Court I, Thodupuzha with respect to the offences under sections 27(1)(g) and 27(2)(c) of the Kerala Forest Act. They stand convicted and sentenced to undergo simple imprisonment for two months each. The accused has sought for getting the judgments revised.

2. The prosecution case is that on 03.11.1992 the accused tresspassed into the Reserve Forest within the forest area of Vadattapara Forest Station and felled two teakwood costing a loss to the tune of Rs. 900/- to the Government. The prosecution evidence consisted of the testimony of the forest officers PWs 1 to 3 and Exts. P1 to P3 Mahazar etc. On perusal of evidence adduced in the matter, I find that the same is not vitiated by any serious contradictions and hence the concurrent findings of the courts below are not liable to be interfered. The same is confirmed.

3. The counsel for the petitioners has pleaded for leniency. Considering the fact that more than one decade has elapsed since the institution of the prosecution and that the petitioner/accused so far were living under the shadow of conviction and imprisonment, I find that the sentence is liable to be modified. Hence the sentence is modified to the effect that the accused shall undergo imprisonment till rising of the court and to pay a fine of Rs. 1000/- for the offence under section 27(1)(g) of the Kerala Forest Act and in default of remittal of the fine amounts they shall undergo simple imprisonment for three months each. With respect to the offence under section 27(2)(c), the accused/revision petitioners are sentenced to pay a fine of Rs. 1000/- each and in default to undergo simple imprisonment for three months each.

The revision petition is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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